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“CHRISTIAN SCIENCE” AND ITS LEGAL ASPECTS.

BY WILLIAM A. PURRINGTON.

IT is asked if existing laws impose any restraint upon treatment of the sick by *soi-disant* “Christian Scientists,” and if further legislation in that regard is desirable.

Mere charlatanism, unrelated to the general welfare, is not a proper subject for legislation, but quackery imperilling the public health is. Whether Christian Science falls within either category, every intelligent reader will readily determine when aware of its pretences—charlatanism being false pretension to knowledge, skill, power or achievement, and every one being a charlatan who falsely advertises himself as achieving greater results than his fellows, whether he be a medical man boasting of mysterious and impossible cures, a religious teacher preaching what he does not believe, or a lawyer proclaiming achievements that he has not accomplished or insuring results beyond his power. The term is not used offensively, nor with any desire to impute insincerity to honest believers in this new cult.

To answer the questions propounded, we must clearly understand, (1.) the true purpose and proper scope of legislative control over medical practice and matters affecting the public health; (2.) the methods taught and adopted for the treatment of the sick by Christian Scientists; (3.) the status of these people under existing law.

For the argument’s sake let these concessions be made at the outset: (1.) mental stimulus exercises, and has been always known to exercise, enormous influence over the body, whether incited by such slight causes as “a harmless, necessary cat,” or “woollen bagpipe,” or by such powerful emotions as hope, fear or faith; and not only *malades imaginaires*, but sick persons, especially those

afflicted with hysterical disorders, have been and will be restored to normal health by such stimulus; (2.) the wisest physicians, as they will be first to admit, not having yet attained the limits of medical or psychical knowledge, are fallible, and often make errors of diagnosis; (3.) the *vis medicatrix naturae* is great, and, if there should be called to the treatment of a sick man two ignorant and incompetent persons, one a gloomy believer in dosing by rule, the other merely a cheerful prophet, the latter would be, probably, the more helpful, or at least the less dangerous; (4.) Socrates, Galileo, Jenner and many other persons met with opposition in promulgating truth, just as Simon, the sorcerer, Jack Cade, Cagliostro and other impostors eventually came to grief in their propaganda of lies.

These concessions are made because, in the writer's experience, no charlatan or enthusiast has yet appeared before a legislative committee to plead for the substitution of ignorance in place of medical learning, whose argument has not been, in substance, this: There are mysterious powers not possessed or fully understood by physicians, who frequently make grave mistakes; cures often follow the ministrations of clairvoyants, mediums, mind and faith curers; new truth is always opposed; therefore, medical practice should be untrammelled, and every one, regardless of character, intelligence, education or training, should be permitted to engage in the business of treating the sick for hire. A postulate must also be laid down, and he who denies it need read no further; the acceptance of new doctrines, or of old ideas revamped, by a large number of persons, of whom some may be very intelligent, is not of itself sufficient reason for general acceptance of such doctrines or ideas, or for toleration of practices founded upon them; especially if the former be contrary to ordinary experience and observation, and the latter be injurious to the public health, morals or safety. It was happily said by Dr. Oliver Wendell Holmes, of Bishop Berkeley's belief in tar water as a specific for pretty nearly all the ills of man, that it "exhibits the entire insufficiency of exalted wisdom, immaculate honesty, and vast general acquirements to make a good physician of a great bishop;" while, of Berkeley himself, the wise and witty Doctor said: "He was an illustrious man, but he held two very odd opinions; that tar water was everything and that the material universe was nothing."

Public health laws, including therein statutes regulating medical practice, should be and are framed solely to protect the public, by providing against such harmful practices as adulterations of food and drugs, the spread of contagious diseases, maintenance of unsanitary conditions and medical treatment of the sick by unqualified persons. That the state may constitutionally and justly exercise its police power to protect health is by adjudication established beyond cavil, and by common consent so thoroughly accepted that if a pest-house or open cess-pool were established near the residence of the founder of Christian Science, she would doubtless apply, successfully, to the Courts or the Health Board to abate the nuisance, notwithstanding her teaching that a "calm Christian state of mind is a better preventive of contagion than a drug, or any possible sanative method."* The justification of medical licensing laws is that the overwhelming majority of sensible men, at all times, have believed that knowledge and training are essential to qualify a man to cope with disease; and, for this reason, the highest courts of many States and the Supreme Court of the United States, in Dent's case,† have affirmed the constitutional power of a State to enact laws forbidding unqualified persons to practice medicine, and establishing general tests of such qualification.

This is not the occasion to review the Medical Acts of the several States. It is enough to say that none of them prohibits or prescribes any special system of therapeutics or practice. To do that would block scientific progress and discourage investigation. It is not for legislatures to say how either bodies or souls shall be cured, to enact pharmacopoeias into statutes or crystallize theories, medical or religious, into law. But it is entirely right and proper for them to declare that no man shall enter upon the business of treating the sick until he is of full age and has shown, upon examination, that he has studied for a prescribed time, and acquired competent knowledge of those branches of true science, familiarity with which is, by universal consent, necessary to equip one into whose hands life and health are to be committed—physiology, anatomy, surgery, obstetrics, hygiene, chemistry, pathology, diagnosis. The licensed medical practitioner may act

* Misc. Works, p. 229. Where in these foot notes only a page is cited the reference is to "*Science and Health, with Key to the Scriptures*," the text-book of the cult.

† Dent v. West Virginia, 129 U. S. 114.

in any case upon any theory of therapeutics commending itself to his judgment; allopathy—if there be such a theory—homeopathy, hydropathy, electropathy, vitapathy, venopathy, osteopathy, Baunscheidtismus, magnetic healing, the Christian science of Mrs. Eddy, the pagan science of the Voodoo Queen, or a general Eclecticism.

In short, the law aims, and should aim, to require, as the only prerequisite of a medical license, satisfactory proof that the candidate is of good character and average equipment through study and training. In New York, for example, there are three Boards of Medical Examiners, representing the regular practitioners, and the Homeopathic and Eclectic Schools. Examinations are uniform in physiology, anatomy, and all the other branches of science above enumerated, wherein there is no medical schism. In therapeutics, where opinions diverge, candidates for license may demand examination according to their schools. Rhode Island's Supreme Court said lately, in Mylod's case,* by way of *reductio ad absurdum*, that Christian Scientists, were they held to be practitioners of medicine, would be entitled under the constitution of that State to a separate Board of Examiners—offering this as one argument for not holding them to be such practitioners. But why should not Christian Scientists, who make a business of attempting to cure the sick, be required to submit to examination in general medical science, quite as much as homeopaths from whose loins they have sprung, going, as do candidates from other schools, before their own board in therapeutics? It is said that they give no drugs, but they must and do make diagnosis,† and their "Mother" says that they often give medicine.§ Is it unreasonable to infer that their actual objections to being classed as medical practitioners subject to license are: (1.) that to prepare for examination requires years of study in real science; (2.) that no one with a fair knowledge of the human economy, and equipped to practice medicine intelligently, would adopt the vagaries of their *pseudo* science?

* State v. Mylod, 40 Atl., 753.

† Although Christian Scientists deny, in order to escape prosecution under medical laws, that they make diagnosis of disease, yet upon their own theory they must do so; for their teacher bids them mentally to *address by name* the disease to be treated, and argue with it. They sometimes call "diagnosis" "discernment," and Mrs. Eddy says of herself, "I have discerned disease in the human mind, and recognized the patient's fear of it many weeks before the so-called disease made its appearance in the body. . . . I am never mistaken in my scientific diagnosis of disease." (P. 194.)

§ "Departing from my instruction, many learners commend diet and hygiene. They even administer medicine for certain diseases thinking thereby to initiate the cure which they think to complete with mind!" (P. 376.)

Such being the purpose and proper scope of medical laws, the second inquiry is, What is so-called Christian Science?

The answer may, best and most fairly, be given by quoting the very words of the remarkable lady, Mrs. Eddy, who, in 1866, made the somewhat belated discovery of this branch of healing. This is the more important because many who, without having read the text-book, fancy they know, in a general way, what it teaches, would be surprised, on looking into the volume, at the vagueness of expression, hopeless confusion of thought, vain boasting, complacent assertion of impossible occurrences, virulent denunciation of all other systems, and systematic, commonplace advertising that everywhere appear. The publications to be quoted from are "Science and Health, with Key to the Scriptures" (Edition of 1887), and "Miscellaneous Writings, 1883-1896." The former, being the text-book wherein the new discovery is expounded, is read at the church service of the Scientists alternately with the Bible, and, if its author is to be credited, the mere reading of it, understandingly, has cured and will cure the most malignant diseases, even cancer, and indeed is the chief factor in all treatment.

At the threshold of this *magnum opus*, we are told: "The time for thinkers has come."* Hitherto, the world has got along in a thoughtless fashion; but at last the thinkers are upon us—not only those who think they think, but real thinkers; and it behooves us to heed their thought. Perhaps it is this statement, as much as any other in the book, that gives to Christian Science what vogue it has. The more ignorant the disciple, the more flattered he is to esteem himself a thinker wiser than all who have gone before. A cubit is added to his stature and he glows with self-satisfaction. When the author wrote of the Saviour: "Though Jesus is the impetus and pulse of Christianity, yet Christianity is larger than its human founder;"† and again of Bishop Berkeley: "He was a great natural Scientist in his day, and held opinions concerning 'absolute idealism' which advance his memory near to the border-land of Christian Science,"‡ she, too, doubtless felt this glow, and failed to apprehend in the words what was blasphemous to the pious, humorous§ to the merely instructed and offensive to good taste.

* P. 5. † P. 229. ‡ P. 230.

§ The poems of Mrs. Eddy, published in Miscellaneous Writings, Ch. XI., afford evidence at once of her literary craftsmanship and of her entire lack of humor. Two

Another reason why this text-book impresses the superficial as containing oracles of wisdom is, that it so often, like Dr. Holmes's katydid, says "an undisputed thing in such a solemn way;" for example, that those who are sick, or think themselves sick, should be cheered up; that fear strongly affects the system and even predisposes the timid to the sickness they stand in dread of; that children should not be coddled over-much, and that men ought to be good; trite sayings all, but to the thoughtless thinker revelations.

Yet another reason that commends the book and its disciples to the credulous is their boastful assurance of impossible results. Reputable practitioners of medicine or law do not insure success. Undoubtedly, however, such assurance inspires hope, especially in credulous minds. Mrs. Eddy does not hesitate to say that she cures the hundred cases where physicians lose the ninety-and-nine;* and her disciples have been known to give equal assurances to a patient already in the death agony.

A review of these books might be entertaining, and even profitable, if it served to enlighten any who may have accepted the "Science" without study of its genesis, by showing how, out of the time-worn speculation of idealism that matter does not exist apart from mind, a lady of Lynn, Mass., has spun a web of incoherent words† contradicting themselves on every page, and yet so attractive to the credulous as to form the nucleus of a cult and of an excellent source of revenue for the writer, and for those of her disciples who, in absolute ignorance of medical science, assume to cure every human malady; not only treating adults, but

verses from one of them, "Isle of Wight," (p. 393), may serve to illustrate her pellucid thought and style:

"Soul, sublime 'mid human *débris*
Paints the limner's work, I ween,
Art and Science, all unweary,
Lighting up the mortal dream."

"Students wise, he maketh now thus
Those who fish in waters deep,
When the buried Master hails us
From the shores afar, complete."

However trite or obscure her prose teachings, no one will deny the novelty and originality of rhyming "*débris*" with "unweary," "ween" with "dream," "now thus" with "hails us," and "deep" with "complete," and, to quote Calverley's saying of other poetry, "As to its meaning, it's what you please."

* P. 387.

† As if realizing how incoherent, vague and self-contradictory is her writing, Mrs. Eddy says, somewhat in the manner of Mr. Bunby, "In the spiritual sense of my subject lies the elucidation of it, and this sense you must gain in order to reach my meaning" (p. 391). And again, "Mortal mind does not at once catch my meaning, and can only do so as thought is educated up to my spiritual apprehension" (p. 392). And finally to her disciples and general readers she intimates that she can "explicate spiritual meanings more fully" by "practical teaching," i. e., presumably by attendance on her well paid lectures (p. 17).

even helpless children, preventing the attendance of qualified medical men in critical cases, and even condemning observance of the rules of cleanliness, hygiene, diet and exercise. But with the metaphysics of the book we have here to do only in so far as it affects the practical system of treating the sick.

Originally, Mrs. Eddy seems to have been a homeopathist of the "high potency" faction, and to have been led by recognizing the medicinal inertness of high attenuations to her present theories.* She, herself, says: "Homeopathic remedies, sometimes not containing a particle of medicine, are known to relieve the symptoms of diseases. What works the cure? It is the faith of mortal mind that changes its own self-inflicted suffering, and produces a new effect upon the body."† This would be, at least, intelligible if she did not also teach that "there is really no such thing as mortal mind;"‡ that "disease is an impression originating in the unconscious mortal mind, and becoming at length a conscious belief that the body or matter suffers, . . . a growth of illusion springing from a seed of thought, either your own thought or another's;"§ that body "is the seedling that starts thought, and sends it to the brain for consciousness";§ that "the entire mortal body is evolved from mortal mind," so that a bunion would be insanity if mortal mind would only call the foot the brain;¶ that matter "is another name for mortal mind"*** and "disappears under the microscope of spirit";†† and that pain, which is presumably suffering, is "a belief without an adequate cause."‡‡ We are also taught that "disease has no intelligence to move itself about or change itself from one form to another."|| Taking again the sentence just quoted, and substituting these definitions for words, we have this remarkable result: "It is the faith of mortal mind (*i. e.*, nothing) that changes its own self-inflicted sufferings (*i. e.*, beliefs without adequate cause) and produces a new effect upon the body" (*i. e.*, an evolution of mortal mind, or nothing, which therefore is itself nothing.)

Before this jargon one may fancy the delighted new thinker, like dear Alice after reading the Jabberwock, gloriously filled with ideas, but entirely ignorant of the meaning. The most that can be made of her theory is that disease does not exist save as a

*"Homoeopathy; Its Friends and its Foes." Annual address by Dr. H. M. Paine, President of the Homeopathic Medical Society of the State of New York, 1888, Trans., Vol. XXIII.
†P. 312. ‡P. 419. §P. 182. ¶P. 191. ¶¶P. 300. ***P. 542. ††P. 15. ‡‡P. 342. ||P. 301.

false belief to be treated with argument; and the positive treatment of it is as follows: First of all, buy Mrs. Eddy's books and have the patient do so.* This will increase the circulation—of the book, if not of the patient. Next, deny that there is any disease, and make the patient agree with you. "Remember that all is mind and there is no matter. You are only seeing or feeling a belief, whether it be cancer, deformity, consumption, or fracture that you deal with."† Having thus established that the disease does not exist, you next proceed to "meet the incipient stage of disease with such powerful eloquence as a Congressman would employ to defeat the passage of an inhuman law."‡ No disease can stand that. Still more oddly, you are to call this disease, whose existence you deny, by name, but mentally, lest if the patient hear its name, his mortal mind will hold on to the disease; for, apparently, the mortal mind, which itself has no existence, although impressed by absent treatment and the reading of Mrs. Eddy's book, cannot let go any disease whose name is spoken out loud. But if you only address the disease mentally and speak the truth to it, "tumors, ulcers, tubercles, inflammation, pains and deformed backs. . . . all dream shadows, dark images of mortal thought, will flee before the light."§ To the practical mind it would seem that the "healer" would need some medical knowledge to make his differential diagnosis of "ulcers" and "tumors," and to distinguish between abscess, aneurism, and other abnormal conditions. And if disease does not exist, and has no intelligence to move or change itself, it does seem a bad waste of time to have any discussion at all with it.

If this were all of Christian Science, it might do little or no harm. No one would object to letting a "Scientist" hold mental conversations with the patient's disease, or give "absent treatments," or encourage the sick to "look on the bright side." And a kindly soul would no more restrain a "Scientist" from playing with his metaphysics than he would interfere with a hopeful kitten that whirls in happy pursuit of its own elusive tail—always in sight, yet never quite attained. But it is the negative teachings of the so-called Science that render its disciples pestilent and dangerous to the public health. Declaring the incantations of the Esquimaux to be "as effective in cure of the sick as the *modus operandi* of civilized practitioners," Mrs. Eddy goes on to

* P. 375. † P. 297. ‡ P. 322. § P. 301.

teach that physiology is anti-Christian. "It teaches us to have other gods before Jehovah. It is neither moral nor spiritual."* In its place she would substitute harmony; for "discord is the *nothingness* of error, harmony is the *somethingness* of truth."† "Sickness is inharmony."‡ This "new thought" is even older than that famous little dinner given by Agathon, where, notwithstanding the presence of Plato and Socrates, Aristophanes got tipsy and asked Eryximachus, the physician, why, if the latter really believed health to be only harmony and love among the members, he should prescribe anything so inharmonious as sneezing to cure hiccoughs.

No physician is to be called in by the sick. "The Scientist who understands and adheres strictly to the rules of my system . . . is the only one safe to employ in difficult and dangerous cases." ||

Every form of treatment, Homeopathy,§ Mind Cure,¶ Movement Cure,** Animal Magnetism, Clairvoyance, Mediumship and Mesmerism,†† is impartially condemned. Against Animal Magnetism Mrs. Eddy is particularly bitter, apparently because, having been once "personally manipulated" by the late Mr. P. P. Quimby, "an uneducated man, but a distinguished mesmerist," it was thereafter stated that Mr. Quimby was the "originator" or her writings.‡‡ "It is morally wrong to examine the body in order to ascertain if we are in health," and "to employ drugs for the cure of disease shows a lack of faith in God. ||" "A Christian Scientist never recommends hygiene." §§ Dieting, dosing and exercise are unscientific. ¶¶ It is foolish to suppose that it is exercise that increases the muscles of a blacksmith's arm; for, if that were so, the hammer, which takes just as much exercise, would also grow.*** This is one of the most powerful and characteristic arguments of the new thinker. Bathing is deprecated, although it is said that the Mother Church in Boston contains a gorgeous bath tub. "Bathing and rubbing, to alter the secretions or remove unhealthy exhalations from the cuticle, receive a useful rebuke from Christian Healing. We must beware of making clean the outside of the platter only. A hint may be taken from the Irish emigrant whose

* P. 171. † P. 22. ‡ P. 177. || PP. 186, 324. § P. 183. ¶ P. 376. ** P. 364. †† PP. 212, 213, 219, 302. ‡‡ P. 6. ||| P. 38.

§§ P. 374; Mrs. E. D. O., "at an early age learned hygiene (!) and practiced it faithfully for over twenty years" with such poor results that she "had once been laid out for dead" and "did not want to come to." A partial reading of "Science and Health" made her "a well and hearty woman." (Misc. W. pp. 401-403.)

¶¶ P. 376; *** p. 2:9.

filth does not affect his happiness when mind and body rest on the same basis.”* “The Scientist takes the best care of his body when he leaves it most out of his thought, and like the Apostle Paul is ‘willing rather to be absent from the body and present with the Lord.’”† “The daily ablutions of an infant are no more natural and necessary than it would be to take a fish out of water once a day and cover it with dirt, in order to make it thrive more vigorously thereafter in its native element.‡ Medical study is harmful. “Anatomy, physiology, treatises on health—sustained by what is called material law—are the husbandmen of sickness and disease.”|| Proper clothing is unnecessary; for “you would never conclude that flannel is better than controlling Mind for warding off pulmonary disease, if you understood the Science of being.”§ If one be only a Christian Scientist he “may expose himself in a state of perspiration to draughts of air without experiencing the usual ill effects;”¶ *i. e.*, Christian Science is prophylactic, and this is expressly asserted.**

The foregoing is all bad enough as to adults; but, when it concerns them only, something may be said in favor of the decision, cited by Puffendorf, in the case of a patient who sued a horse-doctor for blinding him by applying to his eyes the same ointment that was used for horses. The Cadi decided against the suitor, because: “If the Fellow,” says he, “had not been an Ass, he had never applied himself to a Horse-Doctor.”††

But what is to be said of such advice as this to mothers? “Mind can regulate the condition of the stomach, bowels, food, temperature of your child far better than matter can do so. Your views and those of other people on these subjects produce their good or bad results in the health of your child.”‡‡ “Your child can have worms, if you say so, or whatever malady is timorously holden in your mind relative to the body. Thus you lay the foundation of disease and death, and educate your child into discord?||| Even if a child is attacked by contagious disease, Mrs. Eddy attributes the cause to maternal fear.§§ Thus the mother is taught that her child’s illness depends upon her fancy, and that neither physicians, remedies nor decent, cleanly care are necessary for its aid. And in the record of deaths resulting from the treatment of Christian Scientists, Faith Curers, Peculiar People, *et id genus*

* P. 354. † P. 355. ‡ P. 159. || P. 183. § P. 160. ¶ P. 314. ** P. 348. †† Puff. Book, V., Ch. IV. ‡‡ P. 158. ||| P. 159. §§ P. 334.

omne, a large proportion are those of neglected children suffering from acute inflammations of the lungs, diphtheria, pneumonia and like complaints. One horrible and typical case in Brooklyn was brought to public notice by an undertaker called in by a Faith Curer to bury the latter's child, six years of age, dead from diphtheria. Two other children, one about eight, the other less than two years old, were found suffering from the same disease. The father explained his failure to call in medical aid by saying that he did not believe in doctors since he believed in Christ.* Here his delusion caused not only the death of his own child, but put in peril the public health. The same neglect would have occurred had the case been smallpox or scarlet fever.

A number of even more harrowing cases might be cited, did space or inclination serve; but their recital is needless.

Contrary to ordinary belief, even prayer is eschewed. "The only beneficial effect of prayer is on the human mind, making it act more powerfully on the body through a stronger faith in God. This, however, *is one belief casting out another*, a belief in the unknown casting out a belief in sickness."† And when we remember that "belief can only bring on disease, it can never relieve it," the inefficacy of prayer becomes manifest; and we are expressly taught that "if we pray to God as a person, this will prevent us letting go the human doubts and fears that attend all personalities."‡

The most ignorant persons set themselves up to cure the sick under this system as a business and for hire. Mrs. Eddy herself accumulates and publishes certificates of cures by herself, by her disciples and by the mere reading of her book, that are contrary to all possibility in human experience and smack in every line of the charlatan. Her volume of "Miscellaneous Writings" is in part made up of certificates differing from those that usually accompany quack nostrums, only in that they are more incredible than those the ordinary charlatan ventures to put forth. She cures cancers in one visit. A child of eighteen months, suffering for months with ulceration of the bowels, and given up by the "M. D.'s," is lifted from his cradle and kissed, he at once begins to play with his toys, and that night before retiring eats heartily of cabbage!|| One Mrs. Armstrong writes, without date or address, to enclose a cheque for \$500, in payment of an absent treat-

* N. Y. papers, March 1, 1890. † P. 483. ‡ P. 492, cf. 484 and 393. || P. 200.

ment by which heart disease and dropsy, lasting from childhood, were cured immediately upon Mrs. Eddy's receipt of a letter from Mr. Armstrong.* Hood's case of "Mrs. F., so exceedingly deaf," who purchased an ear trumpet, "and very next day heard from her husband in Botany Bay," becomes modest in comparison. But, although Mrs. Eddy personally cures fractures—did, in fact, by "absent treatment" cure the crushed foot of Mr. R. O. Badgley, of Cincinnati;† and although she expressly teaches that her Science cures acute and chronic forms of disease,‡ and fractures"§ as well as other deformities—nay more, has "raised the dying to life and health"§—she nevertheless says: "Until the advancing age admits the efficacy and supremacy of Mind, *it is better* to leave the adjustment of broken bones and dislocations **to the fingers of surgeons**, while you confine yourself chiefly to mental reconstruction and the prevention of inflammations or protracted confinement."¶

Here Mrs. Eddy confesses the sham of her theory. Earth often covers the physicians' mistakes, but not so frequently those of the surgeon. The vast majority of suits for malpractice are in surgical cases. The results of operations often demonstrate the malpractice. And is it not fair thus to paraphrase this sly advice: "Take any risk with the sick. If the patient die, who can prove that you caused the death? But be wary in surgical cases, for there ignorance and lack of skill, being demonstrable, may cause you to pay heavily for your presumption?" The fitting climax to this farrago of undigested metaphysics and vain boasting** is, that hunger and thirst are also mental impressions to be argued with,†† that food is not requisite to support life, although "*it would be foolish to stop eating until we gain more goodness*;"‡‡ and, lastly, that, as there is no mortal mind from which to make a mortal body, immortality is already here.¶¶

The methods of this extraordinary system of cure for the sick have been set out thus fully and, it is believed, fairly, because in no reported law case have they been brought before the Court, and the authority of any adjudicated case depends upon the facts involved. *Obiter dicta* are often as misleading as metaphysical

* P. 199. † P. 199. ‡ P. 186. § P. 358. ¶ P. 317.

¶ P. 328. ** "There are certain self-evident facts. This is one of them that whoever practices the Science I teach, through which the Divine mind pours light and healing upon this generation cannot pursue malpractice, or harm patient" (p. 219). †† PP. 329, 334. ‡‡ P. 332. ¶¶ PP. 316-327.

speculation. Summed up, these methods consist positively in reading Mrs. Eddy's book and arguing with non-existent disease; and negatively in abstaining from everything that experience shows to be of benefit to the sick, not only specific medication and operative treatment, but diet, exercise and personal cleanliness. The evidence of the senses is not to be heeded; it is even forbidden to admit that a little child needs medical care. Surely no well-balanced mind will deny that this delusion is full of danger, no matter how sincerely and honestly many believe in it.

Thus we are brought to our third inquiry: Do existing laws suffice us in dealing with this delusion and its votaries, or is further legislation necessary in the premises? With the metaphysical and religious aspects of the delusion, the law has no more concern than with those of Mormonism, Voodooism, Shakerism, Oneidaism or any of the myriad forms of God or Devil worship. Ephraim may join himself to all the idols he desires, the law lets him alone. But neither in this life nor the life to come is every one who cries, "Lord, Lord, have we not in Thy name done many wonderful works?" to escape just punishment for working iniquity, or to be received among the saints upon his own uncorroborated testimony. By the Mormon cases, the Supreme Court of the United States has made it plain, if it were ever in doubt, that no one under the cloak of religion can violate law to gratify lust or greed, or for any other motive. Thugs may not kill because murder is their creed. And there is no reason why ignorant persons* should be allowed to trifle with human life to the public peril, even though they wish to do well and have no worse motive than to receive a fee.

The right of the State to forbid the ignorant to engage in the business of healing the sick by any system whatever, is established; and therefore whether or not such persons may practice Christian Science depends entirely upon the phrasing of the statute. Where, as in Nebraska, the law defines a medical practitioner as one who

* In order to be satisfied of the ignorance, recklessness, credulity, and assurance of the "Scientists," one need only read the "certificates" published in "Miscellaneous Works" along with Mrs. Eddy's "Poems." It seems that the new gospel has been successfully preached in the Massachusetts State Prison. One of Mrs. Eddy's correspondents, "J. B. H.," whether a temporary sojourner in the prison or not is not quite clear, writes that after reading "Science and Health" for some days he was "affected by drowsiness followed by vomiting. This lasted several hours." He then slept and "awoke healed." Thereafter in three treatments he cured a child "that the M. D.'s said was dying of lung fever." In two treatments he cured a ruptured child; and in one treatment he healed an old lady of heart disease and chills. To top off with and keep his hand in, he, in two weeks of *absent treatment*, cured a lady of insanity who never saw him, nor even suspected what he was up to. Misc. W., pp. 435, 406.

"professes to heal" the sick, the practice of Christian Science by unlicensed persons is a violation of law; but in jurisdictions where medical practice is forbidden, yet the use of drugs or instruments is made the test of such practice, the "Scientist" may pursue his business. So, too, the liability of these people to penalties for their failure to report contagious diseases or deaths of patients depends on the phrasing of the law or ordinance, and they certainly should be required, if allowed to practise, to make such reports, even though they believe in neither disease nor death.

In England, unlicensed medical practice is not a misdemeanor; and, therefore, an illegal practitioner cannot there, as with us, be found guilty, constructively, of manslaughter, should his patients die. But it is a general rule of law that a person undertaking a duty must possess skill and knowledge competent for its successful discharge. If a person engage in the business of curing the sick without such competent skill and knowledge, he becomes civilly liable in damages for injuries resulting from his incompetence; and if, by reason of his gross negligence, ignorance or carelessness, his patient die, then he is guilty of manslaughter at least, and may be guilty of murder. Upon these principles the famous quack, St. John Long, was convicted of manslaughter at the Old Bailey in 1830. And, in 1884, one Pierce was similarly convicted in Massachusetts. This gross and wicked negligence may manifest itself either positively, as when one administers recklessly or ignorantly a powerful drug, or negatively, as when a Christian Scientist or other fanatic, thrusting himself into the place of a competent person and assuming the duty of care, deprives the patient of proper attention, and permits or advises unsuitable diet, improper clothing or other harmful violation of hygienic laws. The fact that Christian Scientists, Faith Curers, Mind Curers, and practitioners of like sort, do not customarily administer drugs or use instruments, is not sufficient reason why they should escape liability for injuries resulting from their treatment. It is said in a very recent case that a shipmaster may be liable in damages for negligently losing his brig, although his negligence was due to temporary insanity; the general rule of law being that, as the results of his misfortune should be borne by him, not by the equally innocent, an insane person is to be held civilly responsible for "what in sane persons would be willful and negligent conduct." Thus, the best plea that could be made for a Christian Scientist,

religious insanity, would be of no avail in an action against him for damages proven to have resulted from his negligence.

The sum of the matter, then, is this: Under existing laws, wherever the statute forbids any one without license to undertake to "heal" the sick, or uses equivalent words, and wherever the phrase "practice of medicine" is not construed by the Courts as applying exclusively to the administration of drugs and the use of instruments, Christian Scientists, undertaking the cure of the sick without license to practice medicine, become subject to the penalties of the law. They may be also, according to the phrasing of the statute, punishable for failure to report contagious diseases, and for other violations of health ordinances. They are civilly liable in damages for their malfeasances and misfeasance; and, if death can be shown to have resulted from their gross ignorance or neglect, they may be indicted for manslaughter. English cases apparently to the contrary seem to proceed upon a theory that the negligent persons owed no duty to the deceased. The recent case, for example, of a newspaper correspondent who died while in care of Christian Scientists establishes nothing. It was not prosecuted—for what reason does not satisfactorily appear, but presumably because the fanatics in attendance on decedent were only rendering friendly services and did not owe deceased a duty. I may lawfully believe in suicide and discuss the examples of Socrates and Cato without being liable for the death of a friend who imitates them. And Mr. Justice Hawkins is said by the *Law Journal* to have carefully guarded himself against appearing to sanction the course adopted in Frederic's case.

New legislation in the premises is not called for, except, perhaps, to define "practice of medicine" more broadly in some jurisdictions. Such a definition was stricken from the New York Medical Act of 1887 by a Senator who feared it would operate against a friend of his who kept a bathing house. Last year a bill of somewhat the same purport seems to have been abandoned by the Senator having it in charge, for no other reason, so far as can be learned, than that more than the usual number of ladies appeared to oppose it. Children are now very generally protected by special laws. No statute can cure an adult of folly. Laws specifically forbidding the practice of Christian Science would only provide that cheap martyrdom which would be welcomed by an advertising business, and would be wrong, both in principle

and policy. The delusion itself is bound to die, as did that of John of Leyden and many another before and since that prophet's time; and it is quite certain to be succeeded by others.

In New York city about 1832, a period of "great awakening" that begat Mormonism and many other sects—among them one in Kentucky, whose members, in order to win Heaven by making themselves as little children, used to crawl on their hands and knees in church, play marbles, trundle hoops and otherwise manifest their infantile madness—one Matthews,* a carpenter, having assumed the name Matthias, proclaimed himself to be God, the Father. He found believers, most of them ignorant but some intelligent, procured much money and ruined many persons. He and his disciples claimed to heal the sick quite as successfully as the Scientists now do. One of them, a Mr. Pierson, a victim of religious delusion, even before the coming of Matthias, had endeavored under most distressing and pathetic circumstances publicly to raise his wife from the dead, accepting literally the verse of the General Epistle of St. James directing the elders to anoint and pray over the sick, and promising that "the Lord shall raise him up." Matthias, being eventually indicted for procuring \$630 from a Mr. Folger under the false pretence that he was God, able to remit sins, and would communicate the Holy Ghost to said Folger, the District Attorney entered a *nolle prosequi* for these reasons: To maintain the indictment, he said, I must prove that defendant's pretences were false and would deceive a man of ordinary intelligence and prudence, but no sane person would believe that Matthias is God. Matthias was, however, convicted on lesser charges.

The memory of the adventuress, Diss de Bar, is fresh. In 1888 she was convicted by a New York jury of fraud in obtaining money from a lawyer of admittedly large attainments, and a former associate of Mr. Webster. She, too, sought to cloud the real issue by claiming that the right to believe in Spiritualism was involved. During her trial, the usual train of "ladies" and "intelligent persons" attended her, one of her satellites being a former diplomat and an ex-Regent of the University of the State. Since her imprisonment her star has waned. These cases illustrate at once the difficulty and possibilities of dealing with re-

* Matthias and his Impositions, Harpers, 1836.

ligious fanatics through existing laws, when wrong theory is reduced to harmful practice..

That Christian Scientists frequently offend against the criminal law seems to be clear, and their prosecution in such cases would be of value if it enlightened the public as to their real teaching; for it seems scarcely possible that an intelligent person, becoming fully acquainted with "Science and Health" and its teachings, could fail to visit Mrs. Eddy's cult with condemnation as strong as that which she unsparingly lays upon the competing cults of Faith Curers, Mind Curers, Animal Magnetists and Clairvoyants; or that any one of taste or humor, after reading the "Poems" and quack advertisements of the "Miscellaneous Writings," would not blush to confess himself a disciple of the new "thought." Publicity will destroy the cult far more quickly than legislation.

WILLIAM A. PURRINGTON.